

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
WESTERN DIVISION

Faik Mehmeti,

Case No. 4:14 cv 547

Petitioner

v.

MEMORANDUM OPINION

Warden, FCI Elkton, et al.,

Respondents

This matter is before me on the May 19, 2016 Report and Recommendation of Magistrate Judge Thomas M. Parker in the above-captioned action, recommending denying the petition for writ of habeas corpus. (Doc. No. 15). For the reasons stated below, I adopt the Magistrate Judge's recommendations as set forth in the R & R.

DISCUSSION

Under Fed. R. Civ. P. 72(b)(2):

Within fourteen (14) days after being served with a copy of the recommended disposition, a party may serve and file specific written objections to the proposed findings and recommendations.

United States v. Campbell, 261 F.3d 628 (6th Cir. 2001) (citation omitted); *see also* 28 U.S.C. § 636(b)(1).

A district court must conduct a *de novo* review of “any part of the magistrate judge’s disposition that has been properly objected to. The district judge may accept, reject or modify the recommended disposition, receive further evidence, or return the matter to the magistrate judge with instructions.” Fed. R. Civ. P. 72(b)(3); *see also Norman v. Astrue*, 694 F.Supp.2d 738, 740 (N.D. Ohio 2010).

In this case, the fourteen day period has elapsed and no objections have been filed by Petitioner. On May 19, 2016, a copy of the R & R was mailed to Petitioner at the address provided by the Federal Bureau of Prisons as of April 12, 2016. That mail was returned to the Court on June 3, 2016, and re-mailed to the same address, “including the inmate number.” (Doc. No. 16). As of today’s date, the second mailing has not been returned to the Court. Nothing has been filed on the docket since that mailing to indicate the Petitioner objects or seeks to file objections to the R & R.

The failure to file written objections to the Magistrate Judge’s report and recommendation constitutes a waiver of a determination by the district court of an issue covered in the report. *Thomas v. Arn*, 728 F.2d 813 (6th Cir. 1984), *aff’d*, 474 U.S. 140 (1985); *see also United States v. Walters*, 638 F.2d 947 (6th Cir. 1981).

Following a review of the Magistrate Judge’s Report and Recommendation and in the absence of any objections, I adopt the May 19, 2016 Report and Recommendation in its entirety. Furthermore, I determine *sua sponte* that a certificate of appealability should not issue in this case as an appeal of this decision could not be taken in good faith and no grounds exist upon which to grant such relief.

CONCLUSION

Accordingly, I adopt the Magistrate Judge’s May 19, 2016 Report and Recommendation (Doc. No. 15), as the order of this Court. The petition for writ of habeas corpus is denied. Under

28 U.S.C. § 1915(a)(2), an appeal of this decision could not be taken in good faith, therefore, there is no basis on which to issue a certificate of appealability. 28 U.S.C. § 2253; Fed. R. App. P. 22(b).

So Ordered.

s/ Jeffrey J. Helmick
United States District Judge